IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY EIGHTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 3922 of 2004

Between:

Sri Someswara Rao, S/o. Veeraiah, Occ: Agriculture & Business,
R/o. 11-11-168, Sri Ramgiri By pass Road, Khammam Town, Khamma District.

..... PETITIONER

AND

1 State of Andhra Pradesh, Rep. by the Inspector General of

Stamps & Registration, Government of A.P., Hyderabad.
2 The District Registrar, Khammam Town, Khammam.
3 The Jt. Sub Registrar, Khammam Town, Khammam.
4 The A.P. Wakf Board, Oppositive Public Gardens,
Nampally, Hyderabad.

(R 4 is impleded as per Court Order dated :15-4-2004 in

WPMP 8555/2004)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction in the nature of mandamus or other wise declaring that the impugned proceedings of the Registrar and Appellate Authority (Annexure I and III) refusing to register the Sale Deeds of the petitioner dated:5-1-2004 is illegal, arbitrary, *ultra vires* the power of the respondents and against the principles of natural justice and consequently forbear the Respondents from acting as such and be pleased to pass such other or orders as this Honourable Court deems fit and proper in the circumstnaces of the case.

Counsel for the Petitioner: MR.VILAS V.AFZULPURKAR

Counsel for the Respondent Nos.1 to 3: GP FOR REVENUE

Counsel for the Respondent No.4: None appeared.

The Court made the following :

ORAL ORDER

Heard the learned counsel for the petitioner, learned Government Pleader and also learned Standing Counsel appearing on behalf of the fourth respondent.

The case of the petitioner in this writ petition is that even though the document of sale is executed infavour of the petitioner, the same has not been registered on the objections raised by the fourth respondent. Hence the writ petition.

According to the petitioner, the claim of the fourth respondent was already stood negatived, having regard to the dismissal of the suit filed by themselves in O.S.169 of 1983 on the file of Senior Civil Judge, Khamam on 20-02-1990 and even the application filed for restoration was also dismissed consequently, and thus, the decree and the order passed therein has become final, conclusive and binding, since no further remedy has been availed. Hence, there is no impediment in registering the document.

Having heard the submissions made on either side and also on perusal of the material available on record, it is seen that the relief sought for is only registration of the land in question, in which the fourth respondent sought to have a claim. There is no denial to the fact that the suit filed by the fourth respondent was dismissed and the order therein has become final. In this connection, the learned counsel for the petitioner placed reliance on the decision in the case of *MANDADI NIRMALA AND ANOTHER VS. DISTRICT COLLECTOR, HYDERABAD* and also in the case of *D.RATNASUNDARI DEVI & OTHERS VS. THE COMMISSIONER OF URBAN LAND CEILING, A.P. HYDERABAD* to the effect that no such objection can be entertained.

Having regard to the same, I do not find any justification to refuse the registration merely on the objection raised by the fourth respondent.

Accordingly, the writ petition is allowed. No costs.

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28th JULY 2004

*TSNR

To

1. State of Andhra Pradesh, Rep. by the Inspector General of Stamps & Registration, Government of A.P., Hyderabad.
2 The District Registrar, Khammam Town, Khammam.
3 The Jt. Sub Registrar, Khammam Town, Khammam.
4 The A.P. Wakf Board, Opposite to Public Gardens, Nampally, Hyderabad.

5. Two C.D.Copies